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AB

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/698,479 | 10/30/2000 | Vance Bergeron | APV30270CIP | 6625 |

7590 12/10/2004

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
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EXAMINER

SHEIKH, HUMERA N

ART UNIT PAPER NUMBER

1615

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|-----------------|------------------|--------------|-----------------|
| Application No. | 09/698,479 | Applicant(s) | BERGERON ET AL. |
| Examiner | Humera N. Sheikh | Art Unit | 1615 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 September 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) _____ is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

James M. Spear
 JAMES M. SPEAR
 PRIMARY EXAMINER
A u 1615

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

Claims 1-41 are pending. Claims 1-41 are subject to an Election/Restriction requirement.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, drawn to a polymer comprising units capable of having a cationic charge, classified in class 523, subclass 1.
- II. Claims 19-27, drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin, classified in class 424, subclass 70.11.
- III. Claims 28-33, drawn to a method for washing a fabric article *and* a detergent composition, classified in class 510, subclass 108.
- IV. Claim 34, drawn to a method for extinguishing fire, classified in class 169, subclass 43.
- V. Claim 35, drawn to a method for treating agricultural substrate, classified in class 424, subclass 405.
- VI. Claim 36, drawn to a method comprising injecting into a subterranean formation, classified in class 172, subclass 1+.

VII. Claims 37-39, drawn to a method for shaving hair from skin, classified in class 424, subclass 73.

VIII. Claim 40, drawn to a method of cleaning hard bathroom surfaces, classified in class 510, subclass 108.

IX. Claim 41, drawn to a method of making paper, classified in class 162, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group II and Groups III-IX are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case:

Inventions of Group II and Group III are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group III is drawn to a method for washing a fabric article *and* a detergent composition. The instant product cannot only be used for cleaning hair or skin, but also for the distinct method of washing a fabric article, as evidenced by Applicants themselves. Accordingly, Groups II and III have different patentability issues, would require separate searches and thus would create an undue burden on the Examiner.

Inventions of Group II and Group IV are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group IV is drawn to a method for extinguishing fire. The instant product cannot only be used for cleaning hair or skin,

but also for the distinct method of fire extinguishing, as evidenced by Applicants themselves. Accordingly, Groups II and IV have different patentability issues, would require separate searches and thus would create an undue burden on the Examiner.

Inventions of Group II and Group V are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group V is drawn to a method for treating agricultural substrate. As evidenced by Applicants, the instant product cannot only be used for cleaning hair or skin, but also for the distinct method of treating agricultural substrates. Accordingly, Groups II and V have different patentability issues, would require separate searches and thus would create an undue burdensome search.

Inventions of Group II and Group VI are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group VI is drawn to a method comprising injecting into a subterranean formation. As evidenced by Applicants, the instant product cannot only be used for cleaning hair or skin, but also for the distinct method of injecting subterranean formation. Accordingly, Groups II and VI have different patentability issues, would require separate searches and thus would create an undue burdensome search.

Inventions of Group II and Group VII are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group VII is drawn to a method for shaving hair from skin. As evidenced by Applicants, the instant product cannot only be used for cleaning hair or skin, but also for the distinct method of shaving hair from skin . Accordingly, Groups II and VII have different patentability issues, would require separate searches and thus would create an undue burdensome search.

Inventions of Group II and Group VIII are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group VIII is drawn to a method for cleaning hard bathroom surfaces. The instant product cannot only be used for cleaning hair or skin, but also for the distinct method of cleaning bathroom surfaces, as evidenced by Applicants. Accordingly, Groups II and VIII have different patentability issues, would require separate searches and thus would create an undue burdensome search.

Inventions of Group II and Group IX are unrelated. Group II is drawn to a method for cleaning hair or skin *and* a composition for cleaning hair or skin whereas Group IX is drawn to a method of making paper. The instant product cannot only be used for cleaning hair or skin, but also for the distinct method of papermaking, as evidenced by Applicants. Accordingly, Groups II and IX have different patentability issues, would require separate searches and thus would create an undue burdensome search.

For similar reasons as delineated above, the instant inventions of Group III and Groups II and IV-IX are also unrelated because the product can be used for various, distinct methods of use, as evidenced by Applicants themselves. Likewise, the inventions of Group IV and Groups II, III & V-IX and so forth are also unrelated, as they are directed to distinct methods of use, utilizing one particular product.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II-IX and so forth, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Election of Species:

If Applicant chooses to elect Group I, Applicant is further required to elect one species from the following patentably distinct species:

- One species from the Cationic monomeric unit A having Formula I and
- Elect one species from monomeric unit B of Formula IV.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

Due to the complex nature of the Restriction requirement, a Telephone call requiring election was *not* made to Applicants.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday through Friday from 8:00A.M. to 5:30P.M., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H. N. Sheikh *H.N.S.*

Patent Examiner

Art Unit 1615

December 06, 2004

James M. Spear
JAMES M. SPEAR
PRIMARY EXAMINER
Au 1615